

COMPLAINT 2008 – NO. 2

In Re McIntire

JURISDICTION DETERMINATION – ORDER OF DISMISSAL

I. NATURE OF THE COMPLAINT

The complaint was received on March 4, 2008 and alleges that Rep. Jim McIntire (Respondent) violated the Ethics in Public Service Law (Act) when he sent a campaign letter to County Treasurers at their office, e-mail addresses. Apparently the e-mail was sent by Respondent on or about February 16, 2008 from his residence, on his personal computer, to a list which included one or more County Treasurers and their county e-mail addresses. There are no facts, and it is not alleged, that Respondent used any resources other than his personal resources to prepare and send the letter. Respondent is a candidate for State Treasurer and the letter was directed at enlisting support for that campaign.

RCW 42.52.180 prohibits the use of the public resources of an agency for the purpose of assisting a campaign. RCW 42.52.010 limits the definition of “agency” to entities within the legislative, executive, or judicial branch of state government including the Legislature, institutions of higher education created and supported by the state government, and those courts that are parts of state government. “Agency,” for purposes of the Act, does not include the office of a County Treasurer.

II. JURISDICTION DETERMINATION

RCW 42.52.320 limits the jurisdiction of the Legislative Ethics Board to alleged violations of the Act and related rules by legislators and employees of the legislative branch of government.

III. CONCLUSION AND ORDER

After fully considering this matter, the Board concludes that it lacks jurisdiction over the subject matter of this complaint. The complaint is hereby dismissed.

Wayne Ehlers, Chair

Date: